

Important information for all EU/EEA Citizens in the UK who have not secured status under the EU Settlement Scheme

The Brexit transition period ends on 31 December 2020. At this point freedom of movement will come to an end.

All EU/EEA citizens who wish to remain in the UK must be physically present in the UK prior to this date, and must apply for status under the EU Settlement Scheme by no later than 30 June 2021.

If you are an EU/EEA citizen who is present and living in the UK prior to 31 December 2020, and you have not applied for status under the EU Settlement Scheme, you must not leave the UK before attaining status under the scheme, as you will no longer benefit from freedom of movement and will be required to apply for a visa under the new Immigration System in place at that time.

EU Settlement Scheme: What is it and when does it apply?

Any person, who is an EU, EEA (EU, Iceland, Liechtenstein and Norway) or Swiss citizen (and their immediate family members) who wishes to remain in the UK after Brexit and who does not currently hold Indefinite Leave to Remain, must apply for Pre-Settled or Settled status under the EU Settlement Scheme by 30 June 2021.

The rights and status of EU, EEA and Swiss citizens living and working in the UK will remain unchanged until 30 June 2021. After this date, if you are such a citizen and do not hold Pre-Settled Status, Settled Status, or Indefinite Leave to Remain (ILR) under a different category, you will no longer have a right to reside, work, or study in the UK, and will need to leave the country. To apply, applicants must have arrived, and begun to reside, in the UK as of 31 December 2020.

Those who fail to do this, and wish to return to the UK after the transition period, will have to do so through the UK immigration system in place at the time, from their country of residence or nationality.

Pre-Settled versus Settled Status

The difference in status is wholly dependent on how long you have lived in the UK. If you can prove a 5-year continuous period of residency in the UK, you will be eligible for Settled Status. If you have less than 5 years of continuous residency in the UK, you will be granted Pre-Settled Status.

Pre-Settled Status grants the holder the right to reside in the UK for a 5-year period. This period cannot be extended. Once the holder reaches the end of this 5-year period, they must reapply under the EU Settlement Scheme, evidencing the 5-year period, in order to be granted Settled Status.

Settled Status is synonymous with Indefinite Leave to Remain, and those who hold Settled Status are no longer subject to UK immigration restrictions.

Once you have been granted Pre-Settled or Settled Status under the EU Settlement Scheme, you will be able to remain in the UK after 30 June 2021. There is no Home Office application fee for applications submitted under the EU Settlement Scheme.

Holders of current status under EU Regulations

If you are currently in the UK as an EU or EEA citizen, and hold an EU/EEA residence permit, family permit, or an EU/EEA permanent residency document, this document will cease to be valid after 31 December 2020. This means that even if you hold a residence card as an EU citizen, or the family member of an EU citizen, for example, which expires after 31 December 2020, this document will still cease to be valid on 31 December 2020.

It is therefore imperative that those in this situation switch to the EU Settlement Scheme prior to 31 December 2020.